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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,943	11/28/2001	Satoru Okada	723-1221	7266

7590 09/07/2004

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EXAMINER	
GOOD JOHNSON, MOTILEWA	
ART UNIT	**PAPER NUMBER**
2672	6

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,943	OKADA ET AL.	
	Examiner	Art Unit	
	Motilewa A. Good-Johnson	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed 11/28/2001; IDS, paper #5, filed 03/27/2002.

2. Claims 1-11 are pending in this application. Claims 1 and 9-11 are independent claims.

3. The present title of this application is "Image Processing Apparatus and Display Control Method" (as originally filed).

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on August 31, 2000. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

5. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on August 31, 2000. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.***Drawings***

6. The drawings were received on 03/12/2002. These drawings are acceptable.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano, U.S. Patent Number 6,704,027 B2, "Portable Terminal", class 345/636, 03/09/2004, filed 04/06/2001.

Regarding claim 1, Nakano discloses an image display apparatus, comprising: first function processing means (col. 3, lines 41-42) for processing a first function being continuously set into an on state (col. 5, line 66 – col. 6, line 6, user activates the e-mail mode to perform the function of display depending on the mode set or changed during operation, col. 6, lines 13-20, modes, i.e. functions, include image only, text only and text and image, Examiner interprets the selection of the mode by user activation as an on state for a function); second function processing means (col. 3, lines 41-42) for processing a second function being set into an on state in case of necessity (col. 5, line 66 – col. 6, line 20, user activation of a mode, i.e. function, including a text only, image only, or text-image display); first writing means for writing first image data relating to said first function to a first memory (col. 9, lines 39-50, writing to the display RAM the text information for display mode of text-only, which Examiner interprets as image data, i.e. text information, for a first function, i.e. text mode, in memory); second writing means for writing second image data relating to said first function into a second memory (col. 9, lines 51-61, writing to the display RAM the image data in memory for a image only mode for the display mode, which Examiner interprets as second image data in

memory related to a first function, i.e. image only mode); third writing means for writing second image data relating to said second function into said second memory (col. 9, line 62 – col. 10, line 8, writing into the display data RAM for the image only mode, i.e. second image data, a function for varying the display scale, i.e. second function); display means for displaying a composite image on a display on the basis of the first image data stored in said first memory and the second image data stored in said second memory (col. 4, lines 10-27); and validating means for selectively validating said second writing means or said third writing means in response to turning on/off the second function. (col. 4, lines 40-51, control unit controls the transmission and reception of the various functions on the portable terminal in response to user interface input for various functions)

Regarding claim 2, Nakano discloses wherein said first image data is image data in which each dot has a first number of bits, and said second image data is image data in which each dot has a second number of bits more than said first number of bits. (col. 8, lines 21-34)

Regarding claim 3, Nakano discloses wherein said first function is a phone function (figure 3-5b), said second function is a game function, said first image data includes at least character data indicative of a receiving state (col. 4, lines 40-45), said second image data written by said second writing means includes predetermined image

data, and said second image data written by said third writing means includes game image data. (col. 4, lines 59-65)

Regarding claim 4, Nakano discloses wherein said first function processing means includes detecting means for detecting an incoming call, said first writing means includes incoming call message writing means for writing said first image data indicative of an incoming call message to said first memory when said incoming call is detected, (col. 3, line 66 – col. 4, line 5) and said display means includes tone modifying means for modifying a tone of said second image data when said incoming call is detected. (col. 11, lines 6-18, adjusting the brightness and or contrast of the image in accordance with the user for a portable terminal, i.e. phone)

Regarding claim 5, Nakano discloses wherein said display means includes fetching means for fetching compositing position information indicative of a compositing position of said second image data and compositing means for generating composite image data on the basis of said compositing position information, said first image data and said second image data. (col. 9, lines 14-34)

Regarding claim 6, Nakano discloses wherein said first image data is binary image data in which each dot is formed by one bit, said second image data is color image data in which each dot is formed by a plurality of number of bits (col. 5, lines 14-19), and said compositing means includes first single color data fetching means for

fetching first single color data in correspondence to a first predetermined bit value of said binary image data, second single color data fetching means for fetching second single color data in correspondence to a second predetermined bit value of said binary image data (col. 7, lines 16-23), first selecting means for selecting any one of said first single color data and said color image data according to said compositing position information (col. 7, lines 1-15), identifying means for identifying a bit value of said binary image data every one dot, and second selecting means for selecting any one of an output of said first selecting means and said second single color data in accordance with an identification result of said identifying means.

Regarding claim 7, Nakano discloses wherein said display means includes readout start position information fetching means for fetching readout start position information of said second image data, and readout means for reading out said second image data from said second memory according to said readout start position information. (col. 7, lines 35-50)

Regarding claim 8, Nakano discloses wherein said display means displays an image based on said first image data by priority. (col. 10, lines 27-33)

Regarding claim 9, Nakano discloses a display control method executed by an image display apparatus provided with a first function being continuously set into an on state and a second function being set into an off state (col. 5, line 66 – col. 6, line 6,

user activates the e-mail mode to perform the function of display depending on the mode set or changed during operation, col. 6, lines 13-20, modes, i.e. functions, include image only, text only and text and image, Examiner interprets the selection of the mode by user activation as an on state for a function) in case of necessity, comprising steps of: (a) writing first image data relating to said first function to a first memory (col. 9, lines 39-50); (b) writing second image data relating to said first function to a second memory when said second function is in an off state (col. 9, lines 51-61); (c) writing second image data relating to said second function to said second memory when said second function is in an on state (col. 9, line 62 - col. 10, line 8); and (d) displaying a composite image on a display on the basis of said first image data stored in said first memory and said second image data stored in said second memory. (col. 3, lines 56-60)

Regarding claim 10, Nakano discloses a display control program executed by an image display apparatus provided with a first function being continuously set into an on state and a second function being set into an off state (col. 5, line 66 – col. 6, line 6, user activates the e-mail mode to perform the function of display depending on the mode set or changed during operation, col. 6, lines 13-20, modes, i.e. functions, include image only, text only and text and image, Examiner interprets the selection of the mode by user activation as an on state for a function and an off state for the non-selected functions) in case of necessity, comprising steps of: (a) writing first image data relating to said first function to a first memory (col. 9, lines 39-50); (b) writing second image data relating to said first function to a second memory when said second function is in an off

state (col. 9, lines 51-61); (c) writing second image data relating to said second function to said second memory when said second function is in an on state (col. 9, line 62 – col. 10, line 8); and (d) displaying a composite image on a display on the basis of said first image data stored in said first memory and said second image data stored in said second memory. (col. 3, lines 56-60)

Regarding claim 11, Nakano discloses a storage medium storing a display control program executed by an image display apparatus provided with a first function being continuously set into an on state and a second function being set into an off state (col. 5, line 66 – col. 6, line 6, user activates the e-mail mode to perform the function of display depending on the mode set or changed during operation, col. 6, lines 13-20, modes, i.e. functions, include image only, text only and text and image, Examiner interprets the selection of the mode by user activation as an on state for a function and an off state for the non-selected function) in case of necessity, the display control program, comprising steps of: (a) writing first image data relating to said first function to a first memory (col. 9, lines 39-50); (b) writing second image data relating to said first function to a second memory when said second function is in an off state (col. 9, lines 51-61); (c) writing second image data relating to said second function to said second memory when said second function is in an on state (col. 9, line 62 – col. 10, line 8); and (d) displaying a composite image on a display on the basis of said first image data stored in said first memory and said second image data stored in said second memory. (col. 3, lines 56-60)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj